

Subject	Release No.	Date	Fed. Reg. Vol. and Page
Commission Guidance on Mini-Tender Offers and Limited Partnership Tender Offers.	24564	July 24, 2000	65 FR 46588.
Exemption From Section 101(c)(1) of the Electronic Signatures in Global and National Commerce Act for Registered Investment Companies.	24582	July 27, 2000	65 FR 47284.
Application of the Electronic Signatures in Global and National Commerce Act to Record Retention Requirements Pertaining to Issuers.	25003	June 14, 2001	66 FR 33176.

## PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Sec.

274.0-1 Availability of forms.

### Subpart A—Registration Statements

- 274.5 Form N-5, for registration statement of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.
- 274.10 Form N-8A, for notification of registration.
- 274.11 Form N-1, registration statement of open end management investment companies.
- 274.11A Form N-1A, registration statement of open-end management investment companies.
- 274.11a-1 Form N-2, registration statement of closed end management investment companies.
- 274.11b Form N-3, registration statement of separate accounts organized as management investment companies.
- 274.11c Form N-4, registration statement of separate accounts organized as unit investment trusts.
- 274.11d Form N-6, registration statement of separate accounts organized as unit investment trusts that offer variable life insurance policies.
- 274.12 Form N-8B-2, registration statement of unit investment trusts which are currently issuing securities.
- 274.13 Form N-8B-3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.
- 274.14 Form N-8B-4, registration statements of face-amount certificate companies.
- 274.15 Form N-6F, notice of intent to elect to be subject to sections 55 through 65 of the Investment Company Act of 1940.
- 274.24 Form 24F-2, annual filing of securities sold pursuant to registration of certain investment company securities.
- 274.51 Form N-18F-1, for notification of election pursuant to §270.18f-1 of this chapter.
- 274.53 Form N-54A, notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(a) of the Act.

- 274.54 Form N-54C, notification of withdrawal of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(c) of the Investment Company Act of 1940.

### Subpart B—Forms for Reports

- 274.101 Form N-SAR, semi-annual report of registered investment companies.
- 274.102-274.126 [Reserved]
- 274.127d-1 Form N-27D-1, accounting of segregated trust account.
- 274.127e-1 Form N-27E-1, notice to periodic payment plan certificate holders of 18-month surrender rights with respect to periodic payment plan certificates.
- 274.127f-1 Form N-27F-1, notice of periodic payment plan certificate holders of 45-day withdrawal right with respect to periodic payment plan certificates.
- 274.128 Form N-CSR, certified shareholder report.
- 274.129 Form N-PX, annual report of proxy voting record of registered management investment company.
- 274.200 Form N-17D-1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d)(3) of §270.17d-1 of this chapter.

### Subpart C—Forms for Other Statements

- 274.201 Form N-23C-1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule 23c-1 during the last calendar month.
- 274.202 Form 3, initial statement of beneficial ownership of securities.
- 274.203 Form 4, statement of changes in beneficial ownership of securities.
- 274.218 Form N-8F, application for deregistration of certain registered investment companies.
- 274.219 Form N-17f-1, cover page for each certificate of accounting of securities and similar investments of a management investment company in the custody of a member of a national securities exchange, filed pursuant to rule 17f-1.

## Securities and Exchange Commission

## § 274.10

- 274.220 Form N-17f-2, cover page for each certificate of accounting of securities and similar investments in the custody of a registered management investment company, filed pursuant to rule 17f-2.
- 274.221 Form N-23c-3, Notification of repurchase offer.

### Subpart D—Forms for Exemptions

- 274.301 Notification of claim of exemption pursuant to Rule 6e-2 or Rule 6e-3(T) under the Investment Company Act.
- 274.302 Form N-27I-1, notice of right of withdrawal and refund for variable life insurance contractholders required pursuant to Rule 6e-2 (§270.6e-2 of this chapter).
- 274.303 Form N-27I-2, notice of withdrawal right and statement of charges for variable life insurance contractholders required pursuant to Rule 6e-2 (§270.6e-2 of this chapter).

### Subpart E—Forms for Electronic Filing

- 274.401 Form ET, transmittal form for electronic format documents on magnetic tape or diskette to be filed on the EDGAR system.
- 274.402 Form ID, uniform application for access codes to file on EDGAR.
- 274.403 Form SE, form for submission of paper format exhibits by electronic filers.
- 274.404 Form TH—Notification of reliance on temporary hardship exemption.

**AUTHORITY:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78o(d), 80a-8, 80a-24, 80a-26, and 80a-29, unless otherwise noted.

Section 274.101 is also issued under secs. 3(a), 406, and 407, Pub. L. 107-204, 116 Stat. 745.

Section 274.128 is also issued under secs. 3(a), 302, 406, and 407, Pub. L. 107-204, 116 Stat. 745.

**EFFECTIVE DATE NOTE:** 1. At 68 FR 6051, Feb. 5, 2003, the authority citation to part 274 was amended by adding a sectional authority for §274.128 effective May 6, 2003. For the convenience of the user, the added text is set forth as follows:

Section 274.128 is also issued under secs. 3(a), 202, 302, 406, and 407, Pub. L. No. 107-204, 116 Stat. 745.

**EFFECTIVE DATE NOTE:** 2. At 68 FR 6581, Feb. 7, 2003, the authority citation to part 274 was amended by revising the sectional authority for §274.128 effective April 14, 2003. For the convenience of the user, the revised text is set forth as follows:

Section 274.128 is also issued under secs. 3(a), 202, 208, 302, 406, and 407, Pub. L. No. 107-204, 116 Stat. 745.

**SOURCE:** 33 FR 19003, Dec. 20, 1968, unless otherwise noted.

### § 274.0-1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Investment Company Act of 1940.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Any person may inspect the forms at this address and at the Commission's regional and district offices. (See §200.11 of this chapter for the addresses of SEC regional and district offices)

[46 FR 17757, Mar. 20, 1981, as amended at 47 FR 26820, June 22, 1982; 59 FR 5946, Feb. 9, 1994]

## Subpart A—Registration Statements

### § 274.5 Form N-5, for registration statement of small business investment company under the Securities Act of 1933 and the Investment Company Act of 1940.

This form shall be used for the registration statement under both sections 6 and 7 of the Securities Act of 1933 (15 U.S.C. 77f, 77g) and section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-8(b)), by a small business investment company which is licensed as such under the Small Business Investment Act of 1958 or which has received preliminary approval of the Small Business Administration and has been notified by that Administration that it may submit a license application.

**EDITORIAL NOTE:** For FEDERAL REGISTER citations affecting Form N-5, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.10 Form N-8A, for notification of registration.

This form shall be used as the notification of registration filed with the Commission pursuant to section 8(a) of the Investment Company Act of 1940.

## § 274.11

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-8A, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.11 Form N-1, registration statement of open-end management investment companies.

Form N-1 shall be used as the registration statement to be filed pursuant to Section 8(b) of the Investment Company Act of 1940 by open-end management investment companies that are separate accounts of insurance companies. This form shall also be used for registration under the Securities Act of 1933 of the securities of all such companies. This form is not applicable for small business investment companies which register pursuant to §§ 239.24 and 274.5 of this chapter.

[49 FR 32060, Aug. 10, 1984, as amended at 59 FR 52701, Oct. 19, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.11A Form N-1A, registration statement of open-end management investment companies.

Form N-1A shall be used as the registration statement to be filed pursuant to section 8(b) of the Investment Company Act of 1940 by open-end management investment companies other than separate accounts of insurance companies or companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. This form shall be used for registration under the Securities Act of 1933 of the securities of all open-end management investment companies other than registered separate accounts of insurance companies. This form is not applicable for small business investment companies which register pursuant to § 293.24 and § 274.5 of this chapter.

[48 FR 37940, Aug. 22, 1983, as amended at 59 FR 52701, Oct. 19, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-1A, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## 17 CFR Ch. II (4-1-03 Edition)

### § 274.11a-1 Form N-2, registration statement of closed end management investment companies.

This form shall be used as the registration statement to be filed pursuant to section 8(b) of the Investment Company Act of 1940 by closed end management investment companies other than companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. This form also shall be used for registration under the Securities Act of 1933 of the securities of all closed end management investment companies. This form is not applicable for small business investment companies which register pursuant to §§ 239.24 and 274.5 of this chapter.

[43 FR 39553, Sept. 5, 1978, as amended at 59 FR 52701, Oct. 19, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.11b Form N-3, registration statement of separate accounts organized as management investment companies.

Form N-3 shall be used as the registration statement to be filed pursuant to section 8(b) of the Investment Company Act of 1940 by separate accounts that offer variable annuity contracts to register as management investment companies. This form shall also be used for registration under the Securities Act of 1933 of the securities of such separate accounts (§ 239.17a of this chapter).

[50 FR 26161, June 25, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.11c Form N-4, registration statement of separate accounts organized as unit investment trusts.

Form N-4 shall be used as the registration statement to be filed pursuant to section 8(b) of the Investment Company Act of 1940 by separate accounts that offer variable annuity contracts to register as unit investment

## Securities and Exchange Commission

## § 274.24

trusts. This form shall also be used for registration under the Securities Act of 1933 of the securities of such separate accounts (§239.17b of this chapter).

[50 FR 26161, June 25, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.11d Form N-6, registration statement of separate accounts organized as unit investment trusts that offer variable life insurance policies.**

Form N-6 shall be used as the registration statement to be filed pursuant to section 8(b) of the Investment Company Act of 1940 by separate accounts that offer variable life insurance policies to register as unit investment trusts. This form shall also be used for registration under the Securities Act of 1933 of the securities of such separate accounts (§239.17c of this chapter).

[67 FR 19870, Apr. 23, 2002]

### **§ 274.12 Form N-8B-2, registration statement of unit investment trusts that are currently issuing securities.**

This form shall be used as the registration statement to be filed, pursuant to section 8(b) of the Investment Company Act of 1940, by unit investment trusts other than separate accounts that are currently issuing securities, including unit investment trusts that are issuers of periodic payment plan certificates.

[67 FR 19870, Apr. 23, 2002]

### **§ 274.13 Form N-8B-3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.**

(a) This form shall be used for registration statement to be filed, pursuant to section 8(b) of the Investment Company Act of 1940, by unincorporated management investment companies currently issuing periodic payment plan certificates.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-8B-3, see the List of CFR Sections Affected, which appears in

the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.14 Form N-8B-4, registration statements of face-amount certificate companies.**

This form shall be used for registration statements of face-amount certificate companies registered under the Investment Company Act of 1940.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-8B-4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.15 Form N-6F, notice of intent to elect to be subject to sections 55 through 65 of the Investment Company Act of 1940.**

This form shall be used by a company that would be excluded from the definition of an investment company by section 3(c)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a-3(c)(1)], except that at the time of filing it proposes to make a public offering of its securities as a business development company, to notify the Securities and Exchange Commission that the company intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65 of the Investment Company Act of 1940 [15 U.S.C. 80a-54 through 64]. The text of the form is set forth in the appendix to this release.<sup>1</sup>

[47 FR 10520, Mar. 11, 1982]

### **§ 274.24 Form 24F-2, annual filing of securities sold pursuant to registration of certain investment company securities.**

Form 24F-2 shall be used as the annual report filed by face amount certificate companies, open-end management companies, and unit investment trusts pursuant to §270.24f-2 of this chapter for reporting securities sold during the fiscal year.

[62 FR 47940, Sept. 12, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 24F-2, see the List of CFR Sections Affected, which appears in the

<sup>1</sup>A copy of Form N-6F accompanied this release as originally filed in the Office of the Federal Register.

## § 274.51

Finding Aids section of the printed volume and on GPO Access.

### **§ 274.51 Form N-18F-1, for notification of election pursuant to § 270.18f-1 of this chapter.**

(a) This form shall be filed with the Commission in triplicate as the notification of election pursuant to § 270.18f-1 of this chapter by a registered open-end investment company to commit itself to pay in cash all redemptions requested by a shareholder of record as provided in said section.

[36 FR 11920, June 23, 1971 as amended at 36 FR 20504, Oct. 23, 1971; 39 FR 36003, Oct. 7, 1974; 59 FR 52701, Oct. 19, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-18F-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.53 Form N-54A, notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(a) of the Act.**

This form shall be used pursuant to section 54(a) of the Investment Company Act of 1940 [15 U.S.C. 80a-53(a)] by a company of the type defined in sections 2(a)(48) (A) and (B) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(48) (A) and (B) to notify the Securities and Exchange Commission of its election to be subject to the provisions of sections 55 through 65 of said Act [15 U.S.C. 80a-54 through 64].

The text of the form is set forth in the appendix to this release.<sup>2</sup>

[47 FR 10520, Mar. 11, 1982]

### **§ 274.54 Form N-54C, notification of withdrawal of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(c) of the Investment Company Act of 1940.**

This form shall be used pursuant to section 54(c) of the Investment Company Act of 1940 [15 U.S.C. 80a-53(c)] by a business development company to file a notice of withdrawal of its election under section 54(a) of the Invest-

<sup>2</sup>A copy of Form N-54A accompanied this release as originally filed in the Office of the Federal Register.

## 17 CFR Ch. II (4-1-03 Edition)

ment Company Act of 1940 [15 U.S.C. 80a-53(a)].

The text of the form is set forth in the appendix to this release.<sup>3</sup>

[47 FR 10520, Mar. 11, 1982]

## Subpart B—Forms for Reports

### **§ 274.101 Form N-SAR, semi-annual report of registered investment companies.**

This form shall be used by registered management investment companies for semi-annual or annual reports to be filed pursuant to rule 30b1-1 (17 CFR 270.30b1-1) and by registered unit investment trusts for annual reports to be filed pursuant to rule 30a-1 (17 CFR 270.30a-1).

[68 FR 5366, Feb. 3, 2003]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-SAR, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§§ 274.102-274.126 [Reserved]**

### **§ 274.127d-1 Form N-27D-1 accounting of segregated trust account.**

This form shall be completed and filed with the Commission as a report required by § 270.27d-1 of this chapter by each depositor or principal underwriter, within 15 days after the close of each quarter during the first 2 years after the effective date of § 270.27d-1 of this chapter, and thereafter this form shall be filed annually on or before January 31 of the following calendar year. Each investment company for which a segregated trust account is established shall be listed on the cover page. Two copies of the form, plus an additional copy for each registered investment company covered, shall be filed and the filing shall be signed by an authorized representative of the depositor or underwriter.

[36 FR 24056, Dec. 18, 1971]

<sup>3</sup>A copy of Form N-54C accompanied this release as originally filed in the Office of the Federal Register.

## Securities and Exchange Commission

## § 274.201

### **§ 274.127e-1 Form N-27E-1, notice to periodic payment plan certificate holders of 18-month surrender rights with respect to periodic payment plan certificates.**

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see paragraph (f) of § 270.27e-1 of this chapter.

[36 FR 13139, July 15, 1971]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-27E-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.127f-1 Form N-27F-1, notice to periodic payment plan certificate holders of 45-day withdrawal right with respect to periodic payment plan certificates.**

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see paragraph (d) of § 270.27f-1 of this chapter.

[45 FR 17958, Mar. 20, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-27F-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.128 Form N-CSR, certified shareholder report.**

This form shall be used by registered management investment companies to file reports pursuant to § 270.30b2-1(a) of this chapter not later than 10 days after the transmission to stockholders of any report that is required to be transmitted to stockholders under § 270.30e-1 of this chapter.

[68 FR 5368, Feb. 3, 2003]

### **§ 274.129 Form N-PX, annual report of proxy voting record of registered management investment company.**

This form shall be used by registered management investment companies, other than small business investment companies registered on Form N-5 (§§ 239.24 and 274.5 of this chapter), for annual reports to be filed not later

than August 31 of each year, containing the company's proxy voting record for the most recent twelve-month period ended June 30, pursuant to section 30 of the Investment Company Act of 1940 and § 270.30b1-4 of this chapter.

[68 FR 6584, Feb. 7, 2003]

EFFECTIVE DATE NOTE: At 68 FR 6584, Feb. 7, 2003, § 274.129 was added effective April 14, 2003.

### **§ 274.200 Form N-17D-1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d)(3) of § 270.17d-1 of this chapter.**

This form shall be filed pursuant to Rule 17d-2 (§ 270.17d-2 of this chapter) as the report required, under subparagraph (d)(3) of Rule 17d-1 (§ 270.17d-1(d)(3) of this chapter), to be filed, either jointly or separately, by a small business investment company (SBIC) licensed as such under the Small Business Investment Act of 1958, and by a bank which is an affiliated person of either the SBIC or of an affiliated person of the SBIC, with respect to investments in a small business concern by the SBIC and the bank.

## **Subpart C—Forms for Other Statements**

### **§ 274.201 Form N-23C-1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule 23c-1 during the last calendar month.**

This form shall be filed, pursuant to subparagraph (a)(11) of Rule 23c-1 (§ 270.23c-1(a)(11) of this chapter) and section 23(c) of the Investment Company Act of 1940, by a registered closed-end investment company for reporting monthly purchases of securities of which it is the issuer, on or before the tenth day of the calendar month following the month in which the purchase occurs; but no report need be filed for any month in which there have been no such purchases.

## § 274.202

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-23C-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.202 Form 3, initial statement of beneficial ownership of securities.

This form shall be filed pursuant to § 270.30h-1 for initial statements of beneficial ownership of securities required to be filed pursuant to section 30(h) of the Investment Company Act of 1940 (15 U.S.C. 80a-29(h)). (Same as § 249.103 of this chapter.)

[67 FR 43537, June 28, 2002]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 3, see the List of CFR Sections Affected, which appears in the Findings Aids section of the printed volume and on GPO Access.

### § 274.203 Form 4, statement of changes in beneficial ownership of securities.

This form shall be filed pursuant to § 270.30h-1 for statements of changes in beneficial ownership of securities required to be filed pursuant to section 30(h) of the Investment Company Act of 1940 (15 U.S.C. 80a-29(h)). (Same as § 249.104 of this chapter.)

[67 FR 43537, June 28, 2002]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 4, see the List of CFR Sections Affected, which appears in the Findings Aids section of the printed volume and on GPO Access.

### § 274.218 Form N-8F, application for deregistration of certain registered investment companies.

This form must be used as the application for an order of the Commission in cases in which the applicant is a registered investment company that:

(a) Has sold substantially all of its assets to another registered investment company or merged into or consolidated with another registered investment company;

(b) Has distributed substantially all of its assets to its shareholders and has completed, or is in the process of, winding up its affairs;

(c) Qualifies for an exclusion from the definition of "investment company" under section 3(c)(1) (15 U.S.C. 80a-3(c)(1)) or section 3(c)(7) (15 U.S.C. 80a-3(c)(7)) of the Act; or

## 17 CFR Ch. II (4-1-03 Edition)

(d) Has become a business development company.

[64 FR 19471, Apr. 21, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-8F, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.219 Form N-17f-1, cover page for each certificate of accounting of securities and similar investments of a management investment company in the custody of a member of a national securities exchange, filed pursuant to rule 17f-1.

[54 FR 32049, Aug. 4, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-17f-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.220 Form N-17f-2, cover page for each certificate of accounting of securities and similar investments in the custody of a registered management investment company, filed pursuant to rule 17f-2.

[54 FR 32049, Aug. 4, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-17f-2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 274.221 Form N-23c-3, Notification of repurchase offer.

Form N-23c-3 shall be filed with copies of notifications of repurchase offers submitted to the Commission as required under rule 23c-3 (§ 270.23c-3 of this chapter).

[58 FR 19345, Apr. 14, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-23c-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## Subpart D—Forms for Exemptions

AUTHORITY: Secs. 6(c), (15 U.S.C. 80a-6(c)), 6(e), (15 U.S.C. 80a-6(e)), 38(a), 15 U.S.C. 80a-37(a) of the Act.

### § 274.301 Notification of claim of exemption pursuant to Rule 6e-2 or Rule 6e-3(T) under the Investment Company Act.

This form shall be filed with the Commission as required by § 270.6e-2 or

## Securities and Exchange Commission

## § 274.404

§ 270.6e-3(T) of this chapter by each insurance company with respect to each separate account for which exemption is claimed pursuant to § 270.6e-2 or § 270.6e-3(T).

[49 FR 47228, Dec. 3, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-6EI-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.302 Form N-27I-1, notice of right of withdrawal and refund for variable life insurance contractholders required pursuant to Rule 6e-2 (§ 270.6e-2 of this chapter).**

[41 FR 47032, Oct. 27, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-27I-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.303 Form N-27I-2, notice of withdrawal right and statement of charges for variable life insurance contractholders required pursuant to Rule 6e-2 (§ 270.6e-2 of this chapter).**

[41 FR 47032, Oct. 27, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form N-27I-2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## **Subpart E—Forms for Electronic Filing**

SOURCE: 50 FR 40485, Oct. 4, 1985, unless otherwise noted.

### **§ 274.401 Form ET, transmittal form for electronic format documents on magnetic tape or diskette to be filed on the EDGAR system.**

This form shall accompany electronic filings submitted on magnetic tape or diskette under the EDGAR system.

[57 FR 18221, Apr. 29, 1992]

### **§ 274.402 Form ID, uniform application for access codes to file on EDGAR.**

(a) Form ID is to be used by registrants, third party filers, or their agents for the purpose of requesting as-

signment of access codes to permit filing on EDGAR, as follows:

(1) Central Index Key (CIK)—uniquely identifies each filer, filing agent, and training agent.

(2) CIK Confirmation Code (CCC)—used in the header of a filing in conjunction with the CIK of the filer to ensure that the filing has been authorized by the filer.

(3) Password (PW)—allows a filer, filing agent or training agent to log on to the EDGAR system, submit filings, and change its CCC.

(4) Password Modification Authorization Code (PMAC)—allows a filer, filing agent or training agent to change its Password.

(b) Form ID also may be used for the purpose of requesting a reassignment of their CCC, PW and PMAC.

[57 FR 18221, Apr. 29, 1992]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form ID, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.403 Form SE, form for submission of paper format exhibits by electronic filers.**

This form shall be used by an electronic filer for the submission of any paper format document relating to an otherwise electronic filing, as provided in rule 311 of Regulation S-T (§ 232.311 of this chapter).

[58 FR 14861, Mar. 18, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form SE, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 274.404 Form TH—Notification of reliance on temporary hardship exemption.**

Form TH shall be filed by any electronic filer who submits to the Commission, pursuant to a temporary hardship exemption, a document in paper format that otherwise would be required to be submitted electronically, as prescribed by rule 201(a) of Regulation S-T (§ 232.201(a) of this chapter).

[58 FR 14861, Mar. 18, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form TH, see the List of

CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Sec.

- 275.0-2 General procedures for serving non-residents.
- 275.0-3 References to rules and regulations.
- 275.0-4 General requirements of papers and applications.
- 275.0-5 Procedure with respect to applications and other matters.
- 275.0-6 Incorporation by reference in applications.
- 275.0-7 Small entities under the Investment Advisers Act for purposes of the Regulatory Flexibility Act.
- 275.202(a)(1)-1 Certain transactions not deemed assignments.
- 275.203-1 Application for investment adviser registration.
- 275.203-2 Withdrawal from investment adviser registration.
- 275.203-3 Hardship exemptions.
- 275.203(b)(3)-1 Definition of “client” of an investment adviser.
- 275.203A-1 Eligibility for SEC registration; switching to or from SEC registration.
- 275.203A-2 Exemptions from prohibition on Commission registration.
- 275.203A-3 Definitions.
- 275.203A-4 Investment advisers registered with a State securities commission.
- 275.203A-5 [Reserved]
- 275.203A-6 Transition period for Ohio investment advisers.
- 275.204-1 Amendments to application for registration.
- 275.204-2 Books and records to be maintained by investment advisers.
- 275.204-3 Written disclosure statements.
- 275.204-4—275.205-5 [Reserved]
- 275.205-1 Definition of “investment performance” of an investment company and “investment record” of an appropriate index of securities prices.
- 275.205-2 Definition of “specified period” over which the asset value of the company or fund under management is averaged.
- 275.205-3 Exemption from the compensation prohibition of section 205(a)(1) for investment advisers.
- 275.206 (3)-1 Exemption of investment advisers registered as broker-dealers in connection with the provision of certain investment advisory services.
- 275.206(3)-2 Agency cross transactions for advisory clients.
- 275.206(4)-1 Advertisements by investment advisers.

- 275.206(4)-2 Custody or possession of funds or securities of clients.
- 275.206(4)-3 Cash payments for client solicitations.
- 275.206(4)-4 Financial and disciplinary information that investment advisers must disclose to clients.
- 275.206(4)-6 Proxy voting.
- 275.222-1 Definitions.
- 275.222-2 Definition of “client” for purposes of the national de minimis standard.

AUTHORITY: 15 U.S.C. 80b-2(a)(11)(F), 80b-2(a)(17), 80b-3, 80b-4, 80b-6(4), 80b-6a, 80b-11, unless otherwise noted.

Section 275.203A-1 is also issued under 15 U.S.C. 80b-3a.

Section 275.203A-2 is also issued under 15 U.S.C. 80b-3a.

Section 275.204-2 is also issued under 15 U.S.C. 80b-6.

Section 275.205-3 is also issued under 15 U.S.C. 80b-5(e).

### § 275.0-2 General procedures for serving non-residents.

(a) *General procedures for serving process, pleadings, or other papers on non-resident investment advisers, general partners and managing agents.* Under Forms ADV and ADV-NR [17 CFR 279.1 and 279.4], a person may serve process, pleadings, or other papers on a non-resident investment adviser, or on a non-resident general partner or non-resident managing agent of an investment adviser by serving any or all of its appointed agents:

(1) A person may serve a non-resident investment adviser, non-resident general partner, or non-resident managing agent by furnishing the Commission with one copy of the process, pleadings, or papers, for each named party, and one additional copy for the Commission’s records.

(2) If process, pleadings, or other papers are served on the Commission as described in this section, the Secretary of the Commission (Secretary) will promptly forward a copy to each named party by registered or certified mail at that party’s last address filed with the Commission.

(3) If the Secretary certifies that the Commission was served with process, pleadings, or other papers pursuant to paragraph (a)(1) of this section and forwarded these documents to a named party pursuant to paragraph (a)(2) of